



DEPARTMENT OF LAW

Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

December 9, 1976

R76-3P7

BRUCE E. BABBITT

76-378

76-321

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Mr. Robert J. Roberson, Esq. Deputy County Attorney Yuma County Attorney's Office P.O. Box 1048 Yuma, Arizona 85364

Dear Mr. Roberson:

We have reviewed your opinion dated August 26, 1976, concerning the residency status of ex-members of the armed forces. We concur with your opinion.

Sincerely,

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BRUCE E. BABBIT Attorney General

DALE E. PONTIUS

Assistant Attorney General

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Office of

County Attorney

Huma County

Juna, Arixona 65264

P.O. BOX 1043 PHONE: 782-4534

August 26, 1976

Michael Brupin

Dr. John F. Cooper Associate Dean of Student Affairs Arizona Western College F. O. Box 929 Yuma, Arizona 85364

Dear Dr. Cooper:

This opinion is in response to your request for an opinion on the following questions:

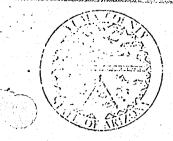
- When a member of the armed forces, who has been considered an in-state resident for tuition purposes pursuant to Pule P7-1-23 (D)(1)(e) of the Rules and Regulations of the State Board of Directors for Cormunity Colleges of Arizona, is discharged from the armed services, how should he be classified for tuition purposes assuming he is in continuous attendance at Arizona Mestern College?
- 2. Can a student be classified as an in-state resident for tuition purposes if his one-year domicile requirement will be completed during the semester for which he is attempting to enroll?

ANSWERS:

- 1. See body of Opinion.
- 2. No.

DISCUSSION:

1. A.R.S. §15-793(4) provides that a person does not gain or lose in-state status by reason of his presence in any state or country while a member of the armed forces of the United States except that a member of the armed forces may obtain in-state status for himself and his dependents by establishing his domicile in this state. A.R.S. §15-794 requires the State Board of Directors for Community Colleges to adopt guidelines that will insure uniform criteria to aid the institutions in determining the tuition status of any student. Pursuant to this authority, the Board adopted Pule R7-1-23(D)(1)(e) which states that members of the armed



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Dr. John F. Cooper

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Michael Iri

August 26, 1976

A copy of this opinion is being sent to the Attorney General for his concurrence or revision.

Very truly yours, MICHAEL INVIN YUMA COUNTY ATTORNEY

ROBERT J. ROBERSON DEPUTY COUNTY ATTORNEY

RJR/dgh

oc: The Honorable Bruce E. Babbitt Attorney General